

NOT INCLUDED IN  
BOUND VOLUMES

PGB  
Englewood, NJ

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

ENGLEWOOD AUTO GROUP, LLC.  
Employer

and

Case 22-RC-071848

LOCAL 259, UNITED AUTO WORKERS,  
AFL-CIO

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered a determinative challenge in an election held February 10, 2012, and the Regional Director's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The Tally of Ballots shows 9 votes for and 7 votes against Petitioner, with 2 challenged ballots,<sup>1</sup> a number sufficient to affect the results.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the Regional Director's findings and recommendations, and finds that a Certification of Representative should be issued.<sup>2</sup>

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<sup>1</sup> The Regional Director's report addresses only the challenged ballot of Joseph Delgado.

<sup>2</sup> The Employer argues that contrary to the Regional Director's finding, employee Joseph Delgado was eligible to vote. We reject the Employer's position. Here, there was no evidence submitted that, during the eligibility period, Delgado had completed his online, preliminary training and had been released for the actual performance of bargaining-unit work. Compare *CWM, Inc.*, 306 NLRB 495, 496 (1992) (employees at issue were eligible voters: they had completed training and were released and "working," i.e., able to perform bargaining-unit work during the eligibility period).

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Local 259, United Auto Workers, AFL-CIO, and that it is the exclusive collective bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time technicians, parts employees, porters and service writers employed by the Employer at its Englewood, New Jersey facility, but excluding all office clerical employees, managers, guards and supervisors as defined in the Act, and all other employees.

Dated, Washington, D.C., June 26, 2012

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Mark Gaston Pearce, Chairman

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Richard F. Griffin, Jr., Member

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Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD